

**UNITED STATES
PATENT AND TRADEMARK OFFICE**

uspto

Patent Public Advisory Committee Quarterly Meeting

Legislative/Governmental Affairs Update

Dana Robert Colarulli
Director, Office of Governmental Affairs

November 9, 2017

UNITED STATES
PATENT AND TRADEMARK OFFICE



Nominee for Director of USPTO: Andrei Iancu

115th Congress (first session)

- President announced his intent to nominate on August 25, 2017; nomination received in Senate on September 5, 2017
- Managing partner at Irell & Manella LLP
- Has conducted courtesy meetings with Senate Judiciary Committee members and staff in September and October
- Next Steps:
 - Hearing before the Senate Judiciary Committee
 - Committee Vote
 - Vote by the Full Senate

Congressional Activity – Calendar

115th Congress (first session)

- **Federal Budget:** Operating under a Continuing Resolution (CR) until December 8, 2017 for FY 2018.
- **General Legislative Agenda for remainder of 2017:**
 - Tax reform
 - Budget / FY 2018 Appropriations
 - NAFTA Renegotiation (*will require congressional approval/ implementing legislation*)
 - Immigration/Deferred Action for Childhood Arrivals Act (DACA)

Congressional Activity - 115th Congress (first session)

Sovereign Immunity

- Pending PTAB IPR proceeding (IPR2016-01127): sovereign immunity asserted by patent owner Indian tribe (St. Regis Mohawk Tribe)
- October 5, 2017 - S. 1948 introduced by Sen. McCaskill (D-MO) – would abrogate Indian tribal sovereign immunity defense in IPRs.
- November 7, 2017 - House Judiciary Subcommittee on Courts, Intellectual Property and the Internet conducted a hearing on the matter. Witnesses:
 - **Mr. Karl Manheim**, Professor of Law, Loyola Law School;
 - **Mr. William Jay**, Partner and Co-Chair, Appellate Litigation, Goodwin Procter LLP;
 - **Mr. Phillip Johnson**, Principal, Johnson-IP Strategy and Policy Consulting; and
 - **Mr. Christopher Mohr**, Vice President for Intellectual Property and General Counsel, Software and Information Industry Association

Legislative Activity

115th Congress (first session)

Telework Enhancement Act Pilot Program (TEAPP) Extension

Sept. – Nov. 2017

- USPTO's TEAPP authority is set to expire on December 8, 2017.
- OGA staff and senior USPTO officials have met with Members and senior staff from the House Oversight and Government Reform Committee (HOCR), and others to highlight the benefits of TEAPP and telework to USPTO.
- **H.R. 4171**, a bill introduced on October 31, 2017 by Rep. Gianforte (R-MT-At Large) and Rep. Connolly (D-VA) would extend the program through December 31, 2020. The HOCR Committee passed the bill on November 2, 2017 and it is awaiting floor action.

Questions and Comments

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Resource Slide:

USPTO's Office of Governmental Affairs: Overview

Structure: 10 Staff (mix of attorneys and non-attorneys)

Core Mission

**Represent USPTO
on Capitol Hill**

*(Advance PTO's
legislative agenda,
prepare testimony, brief
staff, provide technical
advice)*

**Respond to
Requests from
Members of
Congress and
Facilitate
Clearance**

*(constituent issues, clear
IP policy documents
within the
Administration)*

**Build
Relationships and
Maintain Goodwill
with Elected
Officials**

*(Support regional office
engagement, build
fed/state relationships &
stakeholder outreach)*

